

SECTION L

INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

TABLE OF CONTENTS
SECTION L

SECTION L	INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS	213
L-1	THE PROPOSAL	215
L-2	PROPOSED PREPARATION INSTRUCTIONS -- GENERAL	215
L-3	PROPOSED PREPARATION INSTRUCTIONS -- VOLUME I - OFFER	216
L-4	PROPOSED PREPARATION INSTRUCTIONS -- VOLUME II - TECHNICAL AND MANAGEMENT PROPOSAL	218
L-5	PROPOSED PREPARATION INSTRUCTIONS -- VOLUME III, COST PROPOSAL	225
L-6	TIME, DATE, AND PLACE PROPOSALS ARE DUE	227
L-7	SITE VISIT	228
L-8	AMENDMENTS TO SOLICITATION	228
L-9	EXPLANATION TO PROSPECTIVE OFFERORS.	228
L-10	NUMBER OF AWARDS	229
L-11	EXPENSES RELATED TO PROPOSAL OR BID SUBMISSIONS	229
L-12	DISPOSITION OF PROPOSALS OR BIDS	229
L-13	AVAILABILITY OF REFERENCED DOCUMENTS AND OTHER POTENTIALLY USEFUL DOCUMENTS	229
L-14	952.216-1 TYPE OF CONTRACT (APR 1984)	229
L-15	952.215-20 REQUIREMENTS FOR COST OR PRICING DATA OR INFORMATION ON OTHER THAN COST OR PRICING DATA (OCT 1997)	229
L-16	952.233-2 SERVICE OF PROTEST (AUG.1996)	230
L-17	52.237-10 IDENTIFICATION OF UNCOMPENSATED OVERTIME (OCT 1997)	230
L-18	952.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)	231
L-19	952.226-70 SUBCONTRACTING GOALS UNDER SECTION 3021(a) OF THE ENERGY POLICY ACT OF 1992 (PUB. L. 102-486) (JUN 1996)	231
L-20	952.233-4 NOTICE OF PROTEST FILE AVAILABILITY (SEP 1996)	232
L-21	952.233-5 AGENCY PROTEST REVIEW (SEP 1996)	232
L-22	970.5204-73 NOTICE REGARDING OPTIONS (JUNE 1996)	232
L-23	SMALL BUSINESS SIZE STANDARDS AND SET-ASIDE INFORMATION (UNRESTRICTED)	233
L-24	SOLICITATION DEFINITIONS	233
L-25	LIST OF SOLICITATION PROVISIONS INCORPORATED BY REFERENCE	233
L-26	LIST OF ATTACHMENTS TO SECTION L	233
	ATTACHMENT 1 RESUME FORMAT	234
	ATTACHMENT 2 PAST PERFORMANCE INFORMATION REQUEST	235
	ATTACHMENT 3 KEY PERSONNEL REFERENCE WORKSHEET	238
	ATTACHMENT 4 SITE VISIT REGISTRATION	241
	ATTACHMENT 5 INTENTION TO PROPOSE/NOT PROPOSE	242

PART IV

SECTION L - INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS

L-1. The Proposal

This Section L of the Request for Proposals (RFP) provides instructions and other information to the offeror related to the preparation of its proposal. Offerors are cautioned to follow these instructions carefully in order to assure that DOE receives consistent information in a form that will facilitate proposal evaluation. These instructions and the information contained in these instructions are not evaluation factors for this RFP. The evaluation factors are contained in Section M.

Proposals will be evaluated on both written and oral information submitted and presented by the offeror as detailed below. Each initial proposal should contain the offeror's best terms from a cost, fee and technical standpoint since it is the Government's intent to evaluate proposals and award a Contract without discussions. The Government, however, reserves the right to conduct discussions if later determined to be necessary (see paragraph (c) of the clause entitled "Contract Award" in Section L). **Any exceptions or deviations taken to the FAR or DEAR clauses of the Contract shall make the offer unacceptable.** However, if offerors have issues or concerns on other portions of the RFP, they must be expressed to DOE on or before 21 days after release of the RFP to allow DOE the opportunity to consider whether the matter warrants an amendment to the solicitation.

Any and all information related to this RFP, including all amendments, will be made available on the DOE Golden Field Office home page at www.eren.doe.gov/golden/. Offerors are strongly encouraged to regularly visit this page.

L-2. Proposal Preparation Instructions -- General

- (a) A cover letter for the overall proposal shall include but is not limited to the following:
 - (1) The name, address, telephone number, FAX number, and e-mail address of the individual in the offeror's organization to be contacted, if necessary, during evaluation of the proposal;
 - (2) The complete formal name and address of offeror's organization and any other participants that would be used in any resulting Contract. Dun and Bradstreet LTD. (DUNS) number and the tax identification number for each organization and the new entity if a new entity is being created;
 - (3) The name, address, telephone and FAX numbers of representatives of the Government agency having administrative cognizance over the offeror. If the offeror is a new entity, then provide the above requested information that pertains to the new entities' parent companies (such as Contract administration within the meaning of FAR 42.3, audit, and Equal Employment Opportunity); and
 - (4) An affirmative statement addressing acceptance of each of the Qualification Criteria at Section M-2 of this RFP.
- (b) The overall proposal shall consist of three (3) physically separated volumes, individually titled as stated below. Volume II shall be separated into two parts: 1. oral presentation slides and 2. other written documentation required by the RFP. All pages of each part of each volume shall be appropriately numbered and identified with the name of the offeror.

Proposal Volume - Title	Copies Required
Volume I, Offer	4
Volume II, Technical and Management Proposal	
1. Oral Presentation slides	10
2. Other written materials	10
Volume III, Cost Proposal	5

- (c) Copy No. 1 of the proposal shall contain the signed original of all documents requiring signature by the offeror. Use of reproductions of signed originals is authorized in all other copies of the proposal.

L-3. Proposal Preparation Instructions – Volume I - Offer

- (a) Volume I - Offer consists of the actual offer to enter into a Contract to perform the desired work and includes the documents identified in paragraphs (b) through (k) below (in the order listed):
- (b) Signed Contract - The "Solicitation, Offer, and Award," (Standard Form 33, page 1 of the RFP) fully executed and used as the first page of each copy of Volume I, Offer.
- (1) Acceptance Period. The acceptance period entered on the Standard Form 33 by the offeror shall not be less than 180 days which shall apply if no longer period is offered.
- (2) Signature Authority. The person signing the Standard Form 33 must have the authority to commit the offeror to all of the provisions of the proposal, fully recognizing that the Government has the right, by terms of the solicitation, to make an award without further discussion if it so elects. This authority must be verified in writing with such written verification submitted as part of Volume I.
- (3) By the offeror's signature on the Standard Form 33, it is agreeing to accept the Contract (Sections A through J of this RFP) as written. In this situation, offerors do not need to submit the complete language from all of the Contract clauses in their proposals. Rather, offerors need only submit those pages in which the offeror is to complete certain information as a part of its offer. Those specific areas are listed below.
- (c) Cost, Fee, and Fee Discount Factor
- (1) Offerors must complete various Provisions in Section B (the information to be provided by offerors in the Provision is blank and is identified by asterisks in Provisions B-5 and B-6).
- i. Estimated cost and fixed fee for the transition period (Provision B-5(a)) shall be in accordance with the offeror's assessment of the transition cost and appropriate fee associated with the work proposed during transition. This fee amount must represent fee after the application of the fee discount factor which the offeror must provide in Provision B-6.
- ii. Estimated cost for the period beginning 46 days after contract award and continuing through March 31, 1999 (Provision B-5(b)) is \$57,000,000.00 and is included in the Provision. The fee amount for this period shall be calculated by the offeror in accordance with DOE's Notice of Proposed Rule Making (NPR) which was

published in the Federal Register, Vol. 63, No. 69, page 17,800 on April 10, 1998. When calculating this fee, offerors must use the research and development fee schedule set forth in the NOPR. The final fee amount (the fee inserted by the offeror in the blank) must include the application of the fee discount factor which the offeror must provide in Provision B-6.

- (1) In order for DOE to obtain competition with respect to fee, the Contractor shall propose a "fee discount factor" as a percentage of fee reduction in Section B, B-6 entitled "Fee Discount Factor". The fee discount factor, when applied to the maximum available performance-based fee as determined in accordance with applicable DOE fee policy will result in an adjusted performance-based fee available. For example, if the available fee for a one year period is \$1,000,000 and the Contractor proposed a fee discount factor of .05, the maximum available performance-based fee would be \$950,000 ($\$1,000,000 \times .95 = \$950,000$). Although the amount of fee available for this Contract will change from year to year depending on the NREL budget, the fee discount factor will apply for the duration of the Contract, including any option period.
 - (2) For informational purposes only, the estimated available fee for this contract is \$4.6 million for non-profit contractors and \$6 million for for-profit contractors. These amounts will be used by DOE to evaluate each offerors fee discount factor consistent with provision M-4, Cost, of this RFP. These fee amounts were derived by using the research and development fee schedules listed in DOE's proposed fee policy which was published in the Federal Register, Vol. 63, No. 69, page 17,800 on April 10, 1998 and calculating fee based on the current estimated fiscal year 1999 budget for NREL. Offerors are advised that the final determination on the actual amount of available fee will be dependant on revisions, if any, to Section 970.1502 of the Final Rule and the NREL budget. Offerors are further advised that all available award fee will be awarded based on DOE assessments of contractor performance, accordingly, there will be no base fee under the resulting contract.
- (d) Key Personnel, Section J, Attachment 1.
- The offeror shall propose, as a part of its offer, Key Personnel who will be subject to the clause entitled "Key Personnel", in Section I. Key personnel shall include, at a minimum, the NREL Director and Deputy Director or equivalents. DOE is not specifying all of the positions to be included as key personnel because those exact positions may vary depending on the organizational structure proposed. Resumes, in the format prescribed in Attachment 1 to Section L, and individual commitments to the Contract shall be furnished in accordance with the instructions contained in the clause entitled "Proposal Preparation Instructions - Volume II, Technical and Management Proposal" in Section L, and are to be included in Volume II.
- (e) Representations, Certifications, and Other Statements of Offerors, fully executed according to the instructions contained in Section K.
- (f) Responsible Corporate Official. The offeror shall identify a single responsible corporate official by position and incumbent, at a level above the performing entity, who is accountable for the offeror. This applies even if the performing entity is a joint venture. The Government may contact this individual, if necessary, regarding Contractor performance issues. (See the clause entitled "Responsible Corporate Official" in Section H.)
- (g) Small, Small Disadvantaged, and Women-Owned Small Business Subcontracting Plan from Offeror in accordance with the clause in Section I. A "master" subcontracting plan shall be submitted which contains all the elements required by the provisions of the clause entitled "Small, Small

Disadvantaged and Women-Owned Small Business Subcontracting Plan" in Section I. This master subcontracting plan shall identify total dollars to be subcontracted to small, small disadvantaged and women-owned small businesses over the Contract period of performance through September 30, 2003. In addition, the offeror shall submit an "annual" subcontracting plan which shall identify (1) total dollars to be subcontracted to small business concerns; (2) total dollars to be subcontracted to small disadvantaged business concerns; (3) total dollars to be subcontracted to women-owned small business concerns; and (4) a description of the principal types of supplies and services to be subcontracted to these concerns for the initial period expected to be through September 30, 1999. The offeror shall not identify specific subcontractors: rather, the offeror should identify types and volume of work to be subcontracted.

- (h) Uncompensated overtime, if applicable, in accordance with the clause entitled "Proposal Preparation Instructions - Volume III, Cost Proposal" in Section L.
- (i) The acknowledgment(s) of receipt of all amendments to this RFP.
- (j) Exceptions and Deviations Taken to the Contract. The offeror shall identify and explain any exceptions or deviations taken with respect to the Contract, Offeror Representations, Certifications, and Statements of the Offeror. Any exceptions taken must contain sufficient amplification and justification to permit evaluation. The benefit to the Government shall be explained for each exception taken. **Any exceptions or deviations taken to the FAR or DEAR clauses of the Contract shall make the offer unacceptable.** However, if offerors have issues or concerns on other portions of the RFP, they must be expressed to DOE on or before 21 days after release of the RFP to allow DOE the opportunity to consider whether the matter warrants an amendment to the solicitation.

L-4. Proposal Preparation Instructions -- Volume II, Technical and Management Proposal

(a) General.

- (1) The Technical and Management Proposal (hereinafter referred to as the Technical Proposal) consists of certain written information and an oral presentation. This information is intended to present the offeror's understanding and capabilities by addressing the Evaluation Criteria. The proposal should be practical and be prepared simply and economically, providing a straightforward, concise delineation of what it is the offeror will do to satisfy the requirements of the RFP.
- (2) In order that the Technical and Management Proposal may be evaluated strictly on the merits of the material submitted, no Contractual cost information is to be included in the Technical Proposal. Where estimated labor hours will provide clarity, they shall be quoted in labor hour figures only, with no indication as to the cost of these labor hours.
- (3) The format and content of Volume II - Technical and Management Proposal, shall consist of the following components:
 - (i) Oral presentation slides;
 - (ii) References for past performance;
 - (iii) Key personnel resumes;
 - (iv) Five year Plan; and

(v) Transition Plan.

(b) Oral Presentation Process

- (1) General. After submission of the proposal, each offeror must make an oral presentation, not to exceed three (3) hours, to the Government's Source Evaluation Board (SEB) and other Government representatives who are necessary for the evaluation of proposals. The purpose of the oral presentation is to demonstrate the offeror's knowledge of the requirements of the prospective Contract and its capability to meet those requirements. The offeror will address the topics shown below and will not be permitted to address its offer (Volume I). The oral presentation itself will not constitute a part of the offer and it is not the Government's intent to incorporate any portion of the oral presentation into any Contract resulting from this RFP. The oral presentation will not constitute "discussions" nor will it obligate the Government to conduct discussions or solicit or entertain any revisions to the offer. The oral presentation will be evaluated in accordance with Section M.
- (2) Exchanges With Offerors. DOE does not intend to ask any questions during the offeror's prepared portion of its oral presentation. Additionally, it is not anticipated that DOE will ask any questions after the presentation. However, to the extent that communication is necessary, the following guidelines will be used:

The communications will be conducted by presenting written clarification questions to the offeror after the prepared portion of the oral presentation. These questions will be to enhance Government understanding of proposals; allow reasonable interpretation of the proposal; or facilitate the Government's evaluation process. Communications shall not be used to cure proposal weaknesses or material omissions, materially alter the technical or cost elements of the proposal, and/or otherwise revise the proposal. Communications shall not provide an opportunity for the offeror to revise its proposal, but may address:

- (i) Ambiguities in the proposal or other concerns such as minor errors or mistakes;
- (ii) Information relating to relevant past performance; and
- (iii) Adverse past performance information to which the offeror has not previously had an opportunity to comment.

After completion of the offeror's presentation, a 45 minute break will be taken and the SEB will discuss potential clarification questions related to the presentation. After the 45 minute break, the offeror will be presented with written questions developed during the DOE discussion. An additional 45 minute period will then be taken for the offeror to prepare its answers to the questions. After this 45 minute preparation period, the offeror will present its clarifications to the evaluation team. The offeror will have 30 minutes to present its answers to the clarification questions.

- (3) Schedule. DOE will schedule the oral presentations based on drawing lots and will notify each offeror within five working days after the date for receipt of proposals of the date, time, location, and other instructions related to its oral presentation. The oral presentations will commence approximately ten working days after the date for receipt of the proposals. DOE reserves the right to reschedule an offeror's presentation at its discretion. DOE will not consider a request from an offeror to reschedule its presentation; except, under extenuating circumstances, e.g., personal sickness or emergency. However, presentations will not be scheduled after August 24, 1998 and any request to do so will be denied. The schedule for oral

presentations is shown below. The Board will strictly enforce the time limits. Offerors will be given latitude to space the two 15 minute breaks during the morning session to fit their presentations. However, the two breaks must be reasonably spaced over the total period and are required to be utilized. If not scheduled during the presentation by the offeror, two 15 minute breaks will be enforced by DOE.

Schedule

Mountain Daylight Time

7:00 a.m.

Presentation room open to offeror

7:45 a.m. - 8:00 a.m.

DOE/Offeror introductions and instructions

8:00 a.m. - 11:30 a.m.

Offeror's presentation (includes two 15 min. breaks)

THE FOLLOWING SCHEDULE WILL APPLY TO THE CLARIFICATIONS PORTION OF THE PRESENTATION IF CLARIFICATION IS DEEMED NECESSARY BY DOE:

11:30 a.m. - 12:15 p.m.

DOE develops clarification questions

12:15 - 12:30 p.m.

Offeror presented with DOE questions.

12:30 - 1:15 p.m.

Offeror prepares answers to DOE questions

1:15 - 1:30 p.m.

Offeror prepares for presentation of answers

1:30 - 2:00 p.m.

Offeror presentation to the evaluation team

(4) Presenters and Attendees

The offeror's oral presentation must be made by all proposed key personnel. However, at the discretion of the offeror, presenters may also include up to four additional presenters to address specific topics. The additional presenters must be members of the management team whom the offeror will actually employ under the prospective Contract.

It is the strong desire of DOE that only presenters attend the oral presentation. However, if determined necessary by the offeror, an additional two people will be allowed to attend.

(5) Method of Presentation.

To make the presentation, the offeror may only use overhead, 35mm, and computer generated slides. No video presentations will be allowed. Materials shall be suitable for oral and visual presentation and shall be numbered such that all presented material can be tracked. The Government will provide one overhead projector and a projection screen for the offeror's use during the oral presentation. Any other equipment must be supplied by the offeror. Unnecessarily elaborate presentations beyond those sufficient to present a complete and effective response to this solicitation are not desired. Color presentation materials are acceptable to DOE.

(6) Copies of Presentation

Paper copies of the offeror's presentation slides and an outline of the order of the presentation, shall be submitted to the Government as a part of the proposal and are subject to the provisions of the clause entitled "Late Submissions, Modifications, and Withdrawals of Proposals" in Section L. No modifications or substitutions to this material will be accepted after the proposal due date. The offeror shall not present any material during the presentation that is not included in above submission.

(7) Content of Presentation

The offeror shall address the topics listed in paragraphs (d)(1) through (d)(4) below. Offerors may present the topics in any order they determine to be appropriate, however, the offeror must indicate throughout its presentation which criterion or subcriterion is being addressed. The RFP requires offerors to address all aspects of the Statement of Work in its proposal. DOE will evaluate the presentation information against the criteria specified in Section M. With respect to the oral presentation, it is the offeror's responsibility to present all material within the allotted time and only those materials presented during the allotted time for the oral presentation shall be considered in the evaluation. Additional material will not be accepted. While there are no other specific limitations on the presentation, other than the time limitation (e.g., number of view graphs, slides, etc.), the use of an excessive amount of presentation material may be detrimental to an offeror's interest. The offerors will not be permitted to make audio or video recordings, however, DOE will make a video recording of the presentation and will provide the offeror one copy within two weeks after the presentation.

(c) Oral Presentation Topics

(1) Criterion (1) - Management Approach

The offeror shall, at a minimum, address how its management approach will affect the following:

- (i) The time between concept development (laboratory research) and the deployment of the product in the market place. When relevant, the offeror should discuss the application of the concept or product being developed to any specific energy pathway.
- (ii) The facilitation of deployment of technologies in both the U.S. and abroad.
- (iii) The capability to involve stakeholders, including academia and industry, in developing and implementing the Department's energy mission. When relevant, the offeror must discuss the application of the concept or product being developed to specific energy pathways. This must include an explanation of the number and variety of stakeholders, including specific identification of the stakeholders, which are important to the success of NREL.
- (iv) The capability to identify relevant opportunities to position NREL as a focal point in the Department's energy mission. This must include an explanation of work performance mechanisms including in-house and external opportunities and the appropriate application of such mechanisms.
- X (v) Provision of analytical capability to advise DOE concerning its strategic direction in energy efficiency and renewable energy.
- (vi) The availability and effectiveness of all support functions required to support NREL's mission.
- (vii) Quality of research, development, demonstration, and Laboratory operations.
- (viii) Approaches for analyzing, optimizing, and integrating the technology portfolio for subsequent approval by DOE.

- (ix) Uses of the NREL Visitor's Center.
- (x) Educational programs and outreach activities to promote broad participation in research and development of energy efficiency and renewable technologies.
- (xi) Maintenance and expansion of the facilities at NREL to allow for the conduct of world class research.

(2) Criterion (2) - Environment, Safety, and Health

Offerors must address at a minimum, the following:

The offeror's approach to implementing the principles of Integrated Safety Management (ISM) through the five core safety management functions as they apply to NREL. These principles are: Line management responsibility for safety; clear roles and responsibilities; competence commensurate with responsibilities; balanced priorities; identification of safety standards and requirements; hazard controls tailored to work being performed; and operations authorization. The five core safety management functions are: define the scope of work; identify and analyze hazards associated with the work; develop and implement hazard controls; perform work with controls; and provide feedback on adequacy of controls and continuous improvement in defining and planning work. (DOE's Integrated Safety Management website can be accessed at <http://tis-nt.eh.doe.gov/ism>)

(3) Criterion (3) - Management and Organization

(i) Subcriterion (3a) - Management Team

The offeror shall explain its management team composition, the team's role in implementation of its management approach, and how the team will work together to enhance NREL performance. The offeror shall also address its plan for management team personnel development, retention, and replacement.

(ii) Subcriterion (3b) - Organization

The offeror shall describe its proposed organization, including the following:

- (A) Organizational structure, why it was chosen, and how the overall organizational structure and staffing plan contributes to the successful accomplishment of the Statement of Work and minimizes management overlap;
- (B) Lines of authority and how effective communication is carried out across the organization, including external communications with DOE and other prime Contractors; and
- (C) The organization's ability to respond to changing mission needs.

(4) Criterion (4) - Corporate Experience and Past Performance

The offeror shall address how its experience and successful past performance will translate to successful management of NREL. In presenting this information, the offeror should address its experience and performance in at least the following areas:

- (i) Management and operation of complex research, development and demonstration activities and facilities management;
- (ii) Execution of work similar to the types of work identifies in the Statement of Work;
- (iii) Use of commercial procurement practices;
- (iv) Academic, industry and laboratory partnerships; and
- (v) Facilitating deployment of technologies in the U.S. and abroad.

(5) Criterion (5) - Transition Plan

This criterion does not need to be addressed in the oral presentation, but must be addressed in the written portion of the proposal (see (d)(5) below).

(d) Written Information

(1) Criterion (1) - Management Approach

- (i) The offeror must provide a 5-Year Plan for NREL detailing the offeror's strategic vision for NREL, major areas of opportunity for NREL to advance the DOE energy mission, and proposed major accomplishments at NREL. This plan is limited to no more than 20 pages.
- (ii) The offeror must provide a Personnel Appendix in accordance with Attachment 8 to Section J of the RFP.

(2) Criterion (2) - Environment, Safety, and Health

No written information is required.

(3) Criterion (3) - Management and Organization

(i) Subcriterion (3a) - Management Team

Key Personnel Resumes and Commitment:

The offeror must provide written resumes for key personnel. Resumes shall address specific information on the qualifications, experience, and demonstrated performance relevant to their proposed positions, including individual leadership qualities. Each resume shall follow the format shown in Attachment 1 to Section L and shall not exceed two pages in length, with the exception of the resume for the Laboratory Director which may not exceed four pages. Offerors are advised that DOE may contact none, any, or all references provided on the resumes and may contact other third parties as determined necessary. DOE reserves the right to use any information received as part of its evaluation of the management team. Additionally, offerors must provide written commitments from all proposed key personnel.

(ii) Subcriterion (3b) - Organization

No written information is required for this subcriterion, however, information is

required in the oral presentation portion of the proposal (see (c)(3) above).

(4) Criterion (4) - Corporate Experience and Past Performance.

PAST PERFORMANCE INFORMATION IS TO BE PROVIDED IN ACCORDANCE WITH L-6, TIME, DATE, AND PLACE PROPOSALS ARE DUE. PAST PERFORMANCE INFORMATION IS ENCOURAGED TO BE PROVIDED ON OR BEFORE JULY 7, 1998.

Each offeror will be evaluated on its past performance. Performance information will be used for both responsibility determinations and as an evaluation factor against which offerors' relative rankings will be compared to assure best value to the government. The government will focus on information that demonstrates quality of performance relative to size, scope and complexity of the procurement under consideration. **Please note that DOE will collect information through telephone interviews. Therefore, offerors are instructed to send the information request (Attachment 2 of Section L) to all references submitted for past performance.** References other than those identified by the offeror may be contacted and information received may be used in evaluating past performance.

In order for DOE to complete its evaluation of past performance, offerors must contact its clients with regard to this procurement and authorize the client to release such data as presented in the past performance information request, Attachment 2 to Section L.

For purposes of past performance information, offerors shall be defined as business arrangements and relationships such as joint ventures, teaming partners and major subcontractors. Past performance is proprietary source selection information and, therefore, will be treated as source selection sensitive information. If necessary, the other parties involved in the proposal that have business arrangements and relationships with the offeror under review, will only be informed of the overall results of the review, without details, unless the affected offeror agrees to release the information. Previous work with and/or at DOE or NREL is not a prerequisite to a favorable evaluation.

THE OFFEROR SHALL SUBMIT THE FOLLOWING INFORMATION:

Each offeror must prepare a written Reference Information Form for each reference submitted. Each Reference Information Form submitted shall be limited to three pages or less. The format to be followed is in Attachment 2 to Section L. References shall be provided for at least three contracts or subcontracts, either active or completed, in the last three years which provided services similar to those delineated in the Statement of Work for this RFP. Similar services for purposes of providing past performance information are considered to be facility operation and management of significant research activity with a value of no less than \$50,000,000 annually.

Contracts or subcontract information supplied may include federal, state and/or local governments and commercial customers. If the offeror has performed other government contracts, the offeror should submit contract performance reports from the Agency for whom the work was performed. If an offeror has not performed on three contracts or subcontracts for similar services, the offeror may include information on contracts or subcontracts for services that are not similar. Offerors that are newly formed entities without prior contracts should provide information on contracts and subcontracts for all key personnel and previous companies the entity may have been involved with which provided similar services as defined above.

If the offeror has not performed on contracts for similar services, but has performed in-house research as part of its on-going operation, third party assessments of that operation may be provided for past performance. If third party assessments are not available, other verifiable evidence such as successful past accomplishments, may be submitted.

The offeror may provide information on problems encountered on the contracts or subcontracts identified in the information provided and corrective actions taken to resolve the problems. Offerors should not provide general information on their performance for the identified contracts or subcontracts. General performance information will be obtained from the references.

The offeror may describe any quality awards or certifications that indicate the offeror possesses a high-quality process for delivering the required services. Such awards include, for example, the Malcolm Baldrige Quality Award, other government quality awards, and private sector awards or certifications.

The offeror must identify what part of the organization (one division or the entire organization) received the award or certification. Describe when the award or certification was bestowed and how the award reflects on the organization that will be performing the work. If the award is more than three years old, present evidence that the qualifications still apply.

(5) Criterion (5) - Transition Plan

The offeror shall submit a written plan and schedule for the period to bring the Management Team on board, an approach to assess NREL management operations, and accept responsibility for the work. The offeror should assume that Contract award will occur October 1, 1998 with a 45 day transition. The offeror shall address, at minimum, the following:

- (i) Implementation of the proposed organizational structure;
- (ii) Logistics support;
- (iii) Agreements for the exchange of services between the offeror and incumbent organizations;
- (iv) Assumption of incumbent Contractor's subcontracts that the Contractor considers necessary to ensure continuity of work;
- (v) Management Information Systems; and
- (vi) Establishing an effective employee concerns resolution program.

L-5. Proposal Preparation Instructions--Volume III, Cost Proposal

(a) Proposal Sections

The cost proposal shall consist of two sections: 1. A section addressing the overall approach to cost management and 2. A section proposing costs for the transition period. The transition period will begin on the date of Contract award (anticipated to be October 1, 1998) and end 45 days later.

(b) Proposal Content

- (1) Cost or pricing data are not required for the operation and management portion of the cost proposal. However, offerors are required to submit cost or pricing information (other than cost or pricing data) for the transition period.
- (2) Information submitted for the transition period must be detailed enough to allow for evaluation of the reasonableness of the proposed effort and cost realism. The information submitted may be in the offeror's format, but must address the total cost of the transition period, including direct labor, fringe benefits, indirect cost, relocation, travel, facilities, materials, supplies, subcontractor(s), and all other cost related to this period. In accordance with applicable cost principles, the offeror's cost proposal must be accurate, complete, and well documented.
- (3) While certified cost or pricing data is not required from offerors, if the Contracting Officer requires additional cost information in order to determine a fair and reasonable price and cost realism, certified cost or pricing data and a Certificate of Current Cost or Pricing Data may be required.

(c) Additional Information and Required Data

- (1) In accordance with the provision at FAR 52.230-1, Cost Accounting Standards Notices and Certification, offerors are required to submit their Disclosure Statement as a part of the proposal. If the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal the offeror must provide the information requested in paragraph (c) of Part I of FAR 52.230-1. To comply with the requirements of this RFP, however, offerors must submit a copy of any disclosure statement, as well as points of contact for all approved statements to DOE.
- (2) Offerors are also required to provide a detailed description of the financial system(s) intended for use under any resulting Contract. Information regarding the financial system(s) should include, at a minimum, the ability of the system to track costs, the degree to which the system will be integrated with requirements, obligations and expenditures, and to what degree the system is automated and offers flexibility. Any approvals received for the proposed system i.e., DCAA or other Federal entity, shall be included.
- (3) In accordance with the clause entitled "Separate Business Unit" in Section H, the DOE expects that the majority of the work performed under this Contract will be performed in Government-provided facilities by a fully staffed and fully operational company which is a separate business unit of the parent company. As such, there will be no Corporate/Home Office G&A or overhead from an external organization allocated to this Contract except as may be approved by the Contracting Officer prior to or during the performance period of the Contract. However, DOE may consider and evaluate proposed deviations from this approach if the offeror can demonstrate that the proposed allocation of indirect expenses is commensurate with the benefits received and results in a true cost savings.
- (4) Joint Ventures/Teaming Arrangements. If a joint venture or teaming arrangement is proposed as the offeror, the offeror shall clearly identify the cost information, attachments, and exhibits associated with each corporate participant in the teaming arrangement or joint venture.
- (5) Verifiable Data. Offerors shall provide any information required to explain the estimating process including (i) judgmental factors applied and the mathematical or other methods used in estimating, and (ii) the nature and amount of any contingencies included in the cost proposal.
- (6) Uncompensated Overtime (See FAR 52.237-10 herein). DOE does not encourage an offeror's

use of uncompensated overtime, however, the cost proposal will be evaluated in accordance with Section M and, if the offeror decides to include uncompensated overtime in the proposal, the following requirements must be addressed:

- (i) The offeror must have an established cost accounting system, approved by the Defense Contract Audit Agency or cognizant audit agency, which records all hours worked, including uncompensated hours, for all employees, regardless of contract type;
- (ii) For each labor category where uncompensated overtime is proposed, the effective hourly base labor rates shall be calculated and provided considering the level of uncompensated overtime. The proposal should show the base hourly rate for a 40 hour week, the amount of uncompensated overtime, and how the effective rate was calculated;
- (iii) Uncompensated overtime, for all employees, regardless of contract type, must be included in the offeror's base for allocation of indirect costs;
- (iv) The cost information shall include a copy of the corporate policy addressing uncompensated overtime;
- (v) The requirements stated above must be met for each teaming partner which also has included uncompensated overtime in the proposed work effort; and
- (vi) If uncompensated overtime is proposed, the offeror shall include in its offered contract (Volume I - Offer) the proposed benefit resulting from the proposed uncompensated overtime.

L-6. Time, Date And Place Proposals Are Due

- (a) The time and date proposals are due are: 3:00 PM Mountain Daylight Time, July 30, 1998. Past performance information will be accepted early and DOE strongly encourages offerors to submit it no later than 3:00 PM Mountain Daylight Time, July 7, 1998. CAUTION: See FAR 52.215-1 regarding proposal submission instructions, including the provision describing treatment of late submissions, modifications and withdrawals of proposals.

- (b) Mailed (U. S. Postal Service) proposals shall be sent to:

U. S. Department of Energy
Golden Field Office
D-140, P.O. Box 25007
Denver Federal Center
Denver, CO 80225-0007
ATTN: John W. Meeker, Solicitation No. DE-RP36-98GO10337

- (c) Handcarried or commercial carrier service delivery proposals shall be delivered to:

U. S. Department of Energy
Golden Field Office
Building 67, Room 872
Denver Federal Center
Denver, CO 80225-0007
ATTN: John W. Meeker

- (d) If the offeror elects to forward the offer by means other than the U.S. Mail, he assumes the full responsibility of insuring that the offer is received at the place and by the date and time specified in this solicitation.
- (e) It may not be possible to handcarry the package(s) outside of the hours 8:00 AM to 4:00 PM workdays. Delivery to any other location may result in late receipt of the proposal and is strongly discouraged. DOE does not accept responsibility for timely completion of the transferring of proposals delivered to any other location.

L-7. Site Visit

- (a) Site tours of the NREL site will be held only for those which will be proposing as indicated below:

Time: 8:30 AM Mountain Daylight Time

Date: Saturday, June 20, 1998

Place: Tour departs from and returns to:

NREL Visitors Center
15013 Denver West Parkway
Golden, CO 80401
(303) 236-4123

- (b) Site Tours will only be conducted for entities which intend to submit a proposal. Therefore, Site Tour attendance is limited to four people per proposing entity/team. Only those individuals of the proposing entities/teams who have submitted the required registration information found in Section L, Attachment 3, and the intention to propose form found at attachment 5, will be permitted to take the site tours. Personnel from a proposing entity/team who have not previously registered must provide all the information requested in Section L, Attachment 3, to the individual shown below by June 17, 1998.

Marlys Kinsey

E-mail: mlkinsey@earthlink.net

Voice No.: (303) 236-4123

Fax No.: (303) 236-4125.

L-8. Amendments to Solicitation

The only method by which any term of the solicitation may be modified is by a formal amendment to the solicitation generated by the issuing office. No other communication, whether oral or written, will modify or supersede the terms of the solicitation. Any amendments to this solicitation (prior to proposal submission) generated by the issuing office will be provided at the Internet address www.eren.doe.gov/golden/. It will be the responsibility of the offeror to routinely examine this specified address for any amendments that may be issued on this solicitation. However, notices of posting of amendments will only be sent to offerors who have completed and returned Attachment 5 hereto to DOE.

L-9. Explanation to Prospective Offerors.

Any prospective offeror desiring an explanation or interpretation of the solicitation must request it in writing no later than 21 days after RFP release to allow a reply to reach all prospective offerors before the submission of their offers. Oral explanations or instructions given before the award of the Contract will not be binding. Any information given to a prospective offeror concerning a solicitation will be furnished promptly to all other prospective offerors as an amendment of the solicitation, if that information is necessary in submitting offers or if the lack of it would be prejudicial to any other prospective offerors. Please address questions to John W. Meeker, U.S. Department of Energy, Golden Field Office, D-140, P.O. Box 25007 Denver Federal Center, Denver, Colorado 80225-0007, by e-mail at

mlkinsey@earthlink.net, or by fax at (303) 236-4125.

L-10. Number Of Awards

It is anticipated that only a single Contract award will result from this Solicitation and will cover the transition period and the base period plus all options.

L-11. Expenses Related To Proposal Or Bid Submissions

This solicitation does not commit the Government to pay any costs incurred in the submission of any proposal or bid, or in making necessary studies or designs for the preparation thereof or to acquire or contract for any services.

L-12. Disposition Of Proposals Or Bids

Proposals or bids will not be returned (except for timely withdrawals).

L-13. Availability of Referenced Documents and Other Potentially Useful Documents

Certain documents are available for offeror information and use in connection with this RFP in the NREL Visitors Center located at 15013 Denver West Parkway, Golden, CO 80401. To obtain additional information on available documents, contact Marlys Kinsey at (303) 236-4123. A current listing of the documents, including links to sites containing the documents, can be found at the Internet Address <http://www.eren.doe.gov/golden/>.

L-14. 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of a cost-type contract resulting from this solicitation.

L-15. 52.215-20 REQUIREMENTS FOR COST OR PRICING DATA OR INFORMATION OTHER THAN COST OR PRICING DATA (OCT 1997)

- (a) *Exceptions from Cost or Pricing Data.* (1) In lieu of submitting cost or pricing data, offerors may submit a written request for exception by submitting the information described in the following subparagraphs. The Contracting Officer may require additional supporting information, but only to the extent necessary to determine whether an exception should be granted, and whether the price is fair and reasonable.
 - (1) *Identification of the Law or Regulation Establishing the Price Offered.* If the price is controlled under law by periodic rulings, reviews, or similar actions of a governmental body, attach a copy of the controlling document, unless it was previously submitted to the Contracting Office.
 - (2) *Commercial item Exception.* For a commercial item exception, the offeror shall submit, at a minimum, information on prices at which the same item or similar items have previously been sold in the commercial market that is adequate for evaluating the reasonableness of the price for this acquisition. Such information may include--
 - (i) For catalog items, a copy of or identification of the catalog and its date, or the appropriate ages for the offered items, or a statement that the catalog is on file in the buying office to which the proposal is being submitted. Provide a copy or describe current discount policies and price lists (published or unpublished), e.g., wholesale, original equipment manufacturer, or reseller. Also explain the basis of each offered

price and its relationship to the established catalog price, including how the proposed price relates to the price of recent sales in quantities similar to the proposed quantities;

- (ii) For market-priced items, the source and date or period of the market quotation or other basis for market price, the base amount, and applicable discounts. In addition, describe the nature of the market;
 - (iii) For items included on an active Federal Supply Service Multiple Award Schedule contract, proof that an exception has been granted for the schedule item.
 - (iv) The offeror grants the Contracting Officer or an authorized representative the right to examine, at any time before award, books, records, documents, or other directly pertinent records to verify any request for an exception under this provision, and the reasonableness of price. For items priced using catalog or market prices, or law or regulation, access does not extend to cost or profit information or other data relevant solely to the offeror's determination of the prices to be offered in the catalog or marketplace.
- (b) *Requirements for Cost or Pricing Data.* If the offeror is not granted an exception from the requirement to submit cost or pricing data, the following applies:
- (1) The offeror shall prepare and submit cost or pricing data and supporting attachments in accordance with Table 15-2 of FAR 15.408.
 - (2) As soon as practicable after agreement on price, but before Contract award (except for unpriced actions such as letter contracts), the offeror shall submit a Certificate of Current Cost or Pricing Data, as prescribed by FAR 15.406-2.

L-16. 52.233-2 SERVICE OF PROTEST (AUG 1996), 952.233-2 SERVICE OF PROTEST

- (a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (see Section G for address) with written and dated acknowledgment of receipt.
- (b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.
- (c) Another copy of a protest filed with the General Accounting Office shall be furnished to the following address within the time period described in paragraph (b) of this clause:

U.S. Department of Energy
Assistant General Counsel
for Procurement and Financial Assistance (GC-61),
1000 Independence Avenue, S.W.
Washington, DC 20585
Fax: (202) 586-4546.

L-17. 52.237-10 IDENTIFICATION OF UNCOMPENSATED OVERTIME (OCT 1997)

- (a) Definitions. As used in this provision—

“Uncompensated overtime” means the hours worked without additional compensation in excess of an

average of 40 hours per week by direct charge employees who are exempt from the Fair Labor Standards Act. Compensated personal absences such as holidays, vacations, and sick leave shall be included in the normal work week for purposes of computing uncompensated overtime hours.

"Uncompensated overtime rate" is the rate that results from multiplying the hourly rate for a 40-hour work week by 40, and then dividing by the proposed hours per week. For example, 45 hours proposed on a 40-hour work week basis at \$20 per hour would be converted to an uncompensated overtime rate of \$17.78 per hour ($\20.00×40 divided by 45 = \$17.78).

- (b) For any proposed hours against which an uncompensated overtime rate is applied, the offeror shall identify in its proposal the hours in excess of an average of 40 hours per week, by labor category at the same level of detail as compensated hours, and the uncompensated overtime rate per hour, whether at the prime or subcontract level. This includes uncompensated overtime hours that are in indirect cost pools for personnel whose regular hours are normally charged direct.
- (c) The offeror's accounting practices used to estimate uncompensated overtime must be consistent with its cost accounting practices used to accumulate and report uncompensated overtime hours.
- (d) Proposals that include unrealistically low labor rates, or that do not otherwise demonstrate cost realism, will be considered in a risk assessment and will be evaluated for award in accordance with that assessment.
- (e) The offeror shall include a copy of its policy addressing uncompensated overtime with its proposal.

L-18. 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this address:

<http://farsite.hill.af.mil>.

L-19. 952.226-70 SUBCONTRACTING GOALS UNDER SECTION 3021(A) OF THE ENERGY POLICY ACT OF 1992 (PUB. L. 102-486) (JUN 1996)

- (a) Definition.--Energy Policy Act target groups, as used in this provision means:
 - (1) An institution of higher education that meets the criteria of 34 CFR 600.4(a) and has a student enrollment that consists of at least 20 percent:
 - (i) Hispanic Americans, i.e., students whose origins are in Mexico, Puerto Rico, Cuba, or Central or South America, or any combination thereof, or
 - (ii) Native Americans, i.e., American Indians, Eskimos, Aleuts, and Native Hawaiians, or any combination thereof;
 - (2) Institutions of higher learning determined by the Secretary of Education to be Historically Black Colleges and Universities pursuant to 34 CFR 608.2; and

- (3) Small business concerns, as defined under section 3 of the Small Business Act (15 U.S.C. 632), that are owned and controlled by individuals who are both socially and economically disadvantaged within the meaning of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) or by a woman or women.
- (b) Section 3021 of the Energy Policy Act (Pub. L. 102-486) establishes a goal of award of 10 percent of the Contract dollar value for prime and subcontract Energy Policy Act awards to Energy Policy Act target groups.
- (c) The offeror, if other than one of the three groups specified in paragraph (a) of this clause, shall submit, as part of its business management proposal or, if this solicitation requires the submission of a Small, Small Disadvantaged and Women-Owned Subcontracting Plan, then as part of that plan, unless otherwise stated in the proposal preparation instructions, individual subcontracting goals for each of the three Energy Policy Act target groups. Individual goals shall be expressed in terms of a percentage of the offeror's proposed Contract dollar value. In addition, the offeror shall provide a description of the nature of the effort to be performed by each of the three groups, and, if possible, the identity of the contemplated subcontractor(s).
- (d) Unless otherwise stated, such goals shall be considered in the evaluation of the Business Management Proposal as discussed in Section M of this solicitation or, if applicable, as part of the evaluation of the Small, Small Disadvantaged and Women-Owned Subcontracting Plan.

L-20. 952.233-4 NOTICE OF PROTEST FILE AVAILABILITY. (SEP 1996)

- (a) If a protest of this procurement is filed with the General Accounting Office (GAO) in accordance with 4 CFR part 21, any actual or prospective offeror may request the Department of Energy to provide it with reasonable access to the protest file pursuant to FAR 33.104(a)(3)(ii), implementing section 1065 of Public Law 103-355. Such request must be in writing and addressed to the Contracting Officer for this procurement.
- (b) Any offeror who submits information or documents to the Department for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective offerors in accordance with the requirements of FAR 33.104(a)(3)(ii). The Department will be required to make such documents available unless they are exempt from disclosure pursuant to the Freedom of Information Act. Therefore, offerors should mark any documents as to which they would assert that an exemption applies. (See 10 CFR part 1004.)

L-21. 952.233-5 AGENCY PROTEST REVIEW (SEP 1996)

Protests to the Agency will be decided either at the level of the Head of the Contracting Activity or at the Headquarters level. The Department of Energy's agency protest procedures, set forth in 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The Department encourages potential protesters to discuss their concerns with the Contracting Officer prior to filing a protest.

L-22. 970.5204-73 NOTICE REGARDING OPTIONS (JUNE 1996)

The Contract resulting from this solicitation is expected to include one or more options to extend the term of the Contract. Exercise of any option to extend the term of Contract will be at the unilateral right of the Department of Energy. The Contractor's performance under the basic Contract, including any previously exercised options, will be among the significant considerations in the Department's decision to exercise any